

Region 6/OECA

FY 2000

Memorandum of Agreement

**End-of-Year
Narrative Report**

November 27, 2000

NATIONAL PRIORITIES

Sanitary Sewer Overflows (SSOs)

We continued to require that Sanitary Sewer Overflows (SSO) problems in Arkansas be addressed in a systematic manner, through orders that have been previously issued to the cities of Fort Smith and Hot Springs. In Louisiana, we aggressively pursued significant SSO problems on non-delegated facilities, including a number of legal actions, orders, and monitoring of existing consent decrees. SSOs are significant components of our actions against the cities of Monroe, and Baton Rouge. We continue to monitor \$300-400 million of SSO work in the New Orleans area. More than 70 Oklahoma cities are under state or federal order to address overflows and bypasses. We targeted six Publicly Owned Treatment Works (POTW) in the Texas Galveston Bay watershed for compliance evaluation inspections to identify any potential SSO problems. Also in Texas, there were 113 EPA compliance evaluation inspections of municipal POTWs, which included an investigation for sanitary sewer overflows. Two Texas municipalities reported SSOs and were issued administrative orders requiring the cities to conduct a diagnostic study of their sanitary sewage collection systems to identify the source of the SSO problems, and to implement systems improvements identified from the study. Finally, we gave two presentations to groups of more than 100 consulting engineers and municipal representatives on the forthcoming national SSO policy.

Concentrated Animal Feeding Operations (CAFOs)

The 33 contract inspections that were conducted the Broken Bow Reservoir basin were reviewed and the limited enforcement action that was needed was initiated by the Arkansas Department of Environmental Quality. In response to citizens complaints, we initiated several significant actions regarding Oklahoma CAFO facilities. Specifically, we conducted inspection of a Cimmaron Pork facility to address improper carcass disposal in a stream, and improper burial of hog carcasses. This resulted in the successful cleanup of the carcasses. We also undertook an initiative to address citizens' concerns and environmental concerns at a large number of swine operations causing or contributing to surface and groundwater problems. The surface water quality problems originated from poultry operations in both the states of Arkansas and Oklahoma which affected Lake Eucha, a water supply source for the City of Tulsa. The effort involving Seaboard Farms included more than 16 search warrants, and an equal number of inspections. Problems identified include: unauthorized discharge, unauthorized filling of wetlands, construction of CAFO facilities without stormwater coverage, and possible groundwater contamination. In Texas, the Region and the State identified four streams in the Bosque River watershed with impaired water quality due to nutrients in the streams. Each of these watersheds contains a heavy concentration of CAFOs, primarily dairy operations and a smaller number of unpermitted smaller animal feeding operations (AFOs). Within the Bosque River watershed the State inspected 216 CAFOs and provided compliance assistance to facilities with noncompliance problems. Followup inspections were conducted at the facilities with noncompliance problems to assure that the noncompliance issues were corrected. In addition, the State inspected 161 CAFO operations outside of the Bosque River watershed, and provided compliance assistance to facilities where noncompliance problems were found. Within New Mexico, there are no stream segments with water quality problems caused by nutrients which could be associated with discharges from CAFO operations. There are 50 CAFOs within the

state of New Mexico and 152 AFOs (unpermitted animal feeding operations). Seventeen of the CAFOs were inspected during the year. EPA issued three administrative orders to CAFOs in New Mexico. Investigation of these facilities is continuing. We also issued 28 Orders for Information to unpermitted facilities in New Mexico, requiring submission of the necessary information documenting adequate storage capacity for waste and storm water runoff from the operations, and documenting there had been no discharges from the facility. These facilities are in the process of responding to the Region's request.

Storm Water - Auto Salvage Initiative

Region 6 advanced this national initiative by focusing on problematic industrial activities, and primarily industrial activities in impaired watersheds. We used data from the 1995 NPDES Multi-Sector general permit applications to determine that scrap metal yards, materials recycling, and auto salvage yards, were the industrial activities with the most polluted discharges. A review of these industries identified auto salvage yards as both the least likely to be in compliance, as well as the most likely source of pollutants causing water quality problems. The pollutants of concern based on the monitoring data available to EPA from Multi-Sector auto salvage applicants include: oil and grease, ethylene glycol, heavy metals, sulfuric acid, galvanized metals, heavy metals, petroleum hydrocarbons, suspended solids, arsenic, organics, chlorinated solvents, fuel, biochemical oxygen demand, detergents, and phosphorus. The strategy was to implement an auto salvage initiative to assure compliance with the Clean Water Act. This initiative became an expedited settlement offer to be made to those facilities that agreed to come into compliance by obtaining a permit, and preparing and implementing a Storm Water Pollution Prevention Plan. The penalty would be less than would otherwise be normally assessed through the formal Administrative Penalty process.

Watersheds were prioritized for the stormwater auto salvage initiative based on their being on the Section 303(d) list of impaired watersheds reported to Congress. The first and largest impaired watershed was the Galveston Bay watershed, which includes the large metropolitan area of Houston. The Region also identified water quality impaired stream segments in the Corpus Christi Bay area, Mexican border area, and the Dallas/Ft. Worth area along the Trinity River. In these areas, EPA identified and permitted under the storm water program a total of 340 auto salvage yards. Sixty-four of these facilities were permitted in fiscal year 2000 (includes new facilities), of which 20 were assessed administrative penalties totaling \$36,715. In areas outside the impaired watersheds, we finalized an additional 30 administrative penalties for noncompliance totaling \$71,710.

Storm Water - Construction Activities

Under the storm water construction permit, construction activities of five or more acres are identified as industrial activities subject to the NPDES storm water permitting program. Region 6, and in particular Texas, is a very rapidly growing area of the country with a lot of construction. Region 6 has worked closely with the National Association of Home Builders, Associated Builders and Contractors, and Associated General Contractors, to educate their members on how to comply with the storm water construction regulations. This has included

developing a web page with all necessary documents and information for compliance with the storm water construction program. An enforcement training conference was provided for State inspectors and enforcement officers in November 1999, and July 2000, with a combined attendance of 190 government employees. Investigations were initiated resulting in 19 administrative orders issued for construction violations in FY 00. We continue to perform inspections and work with the State and local municipalities. There has also been a very close enforcement relationship developed with a number of municipalities, as they begin implementing their Storm Water Management Programs. In Arkansas, an outreach meeting to review storm water requirements was held in August 2000, with more than 150 attendees. The Arkansas Department of Environmental Quality also forwarded a case to EPA for action. We had since met with the violator and proposed an administrative penalty order (APO). In Louisiana, 38 inspections were conducted and problems were forwarded to the Louisiana Department of Environmental Quality (LDEQ) for follow-up action. We are monitoring LDEQs activities to insure that appropriate action is taken. We also prepared five APOs to address recalcitrant salvage yard operators in the Lake Pontchartrain Basin.

Safe Drinking Water - Microbial Rules

The Microbial Rule is a national priority because: (1) it is the most frequently violated drinking water standard; and (2) it poses the largest direct health threat to human health from waterborne disease. As delineated in the MOA, there were several Public Water Systems (PWS) that were in significant noncompliance (SNC) with the Total Coliform Rule, as well as other Drinking Water rules. Region 6 aggressively monitored and tracked the respective SNCs. Through diligent negotiations with the Region 6 States, 99 percent of the SNCs in Region 6 were addressed by either the States and/or Region 6. Although the focus was on the Total Coliform Rule, as this rule is a National and Regional priority, the Region also concentrated on the Lead and Copper, Surface Water Treatment, and the Chemical/Radiation rules. The result was a bonafide increase in the public health protection by bringing these violating PWS systems into compliance with the respective PWS Rules.

Clean Air Act - Air Toxics

The Region agreed to assist the Office of Air Quality Planning and Standards (OAQPS) in promulgating the maximum achievable control technology (MACT) standards for catalytic cracking units at petroleum refineries. Region 6 was also to assist in developing assistance tools for this MACT.

The MACT standards have not been promulgated, nor has OAQPS requested the Region's assistance. This MOA activity will carry over to FY 01.

Permit Evaders - US Mexico Border Warehouse Joint Project

Region 6 and the Texas Natural Resource Conservation Commission (TNRCC) conducted investigations at warehouses in Laredo, Texas, from September 11-14, 2000. The investigations were performed in an effort to determine if the warehouses had abandoned hazardous materials

which could possibly be considered to be hazardous wastes. Additionally, the investigators were instructed to document alleged violations of the Texas Water Code 26.121, which relates to Unauthorized Discharge Prohibited. Alleged violations documented by EPA investigators will be referred to the appropriate TNRCC regional office.

The investigators conducted investigations at 216 facilities. Violations of state and/or federal regulations were alleged at 32 facilities, and 5 facilities are pending determination of alleged violations awaiting additional information and/or sample results. Based on these results, approximately 17 percent {includes the facilities with pending alleged violations} were considered to be noncompliant with state and/or federal regulations, including: 1) unauthorized discharge prohibited, 2) hazardous waste determination, 3) failure to obtain a permit/permit exemption, 4) used oil management, and 5) failure to obtain a stormwater permit.

General assistance was provided by the TNRCC Region 16 office in Laredo. Additionally, the Laredo Fire Department was invited by the EPA and the TNRCC to attend the above-referenced meetings and to accompany investigators during the week. Information was provided by the Laredo Fire Department regarding possible locations for investigation which was incorporated into the original list of facilities.

To follow-up the initiative inspections, the TNRCC and EPA Region 6 office will coordinate a compliance seminar to address: 1) how to avoid the types of alleged violations documented during the initiative, 2) questions that were most frequently asked during the inspections, and 3) legal issues regarding abandoned materials. It is anticipated that the seminar will take place in approximately 6 months and all of the facilities inspected will receive an invitation, as well as other interested parties. The list of Frequently Asked Questions and answers will be incorporated into the Border Compliance Assistance website. The website is currently in the planning stages and is a cooperative effort between the EPA Region 6 office, TNRCC, the New Mexico Environment Department, the Arkansas Department of Environmental Quality, and the California EPA.

Petroleum Refinery Initiative and New Source Review/Prevention of Significant Deterioration

The EPA undertook a nationwide investigation of air pollution emissions from refineries. Because many refineries were vastly increasing production, EPA wanted to make sure that these facilities were installing the proper pollution equipment to control hazardous air pollutants and smog causing chemicals. Refineries are located in all five Region 6 states, but are primarily located in Louisiana and Texas. Refineries in Region 6 account for approximately 50 percent of the refinery capacity in the U.S. and a significant number of facilities.

As part of the investigation, which included working closely with the states, EPA focused on four areas of concern: 1) flaring, 2) leak detection and repair, 3) potential violations of rules related to benzene waste, and 4) potential violations of preconstruction permitting issues.

The EPA reached unprecedented agreements with BP Amoco, Koch Petroleum, Marathon Ashland, and Motiva Enterprises (an alliance between Shell Oil, Texaco, and Star Enterprise), all

of which have refineries in Louisiana and/or Texas. The total cash penalties will be in excess of \$25 million, with more than \$500 million spent on up-to-date control technologies and work practices. We took a very active role, and continue to do so, throughout the ongoing investigations and enforcement efforts to reach global settlement agreements.

Metal Services Sector

Region 6 is an active participant of the Strategic Goals Program for Metal Finishers (SGP). As part of the SGP compliance assistance activities conducted in FY 00, we met with several industry representatives, including the Publicly Owned Treatment Works (POTW), Texas Natural Resource Conservation Commission (TNRCC), and other control authorities. During these meetings, Region 6 staff discussed compliance issues that included hazardous waste management practices and permit exemptions. Within the SGP, facilities are encouraged to participate and receive benefits from local governments, along with technical assistance from both the state and federal governments. We sent over 1,000 letters encouraging facilities to sign up for SGP. Additionally, the Small Business and Local Government Assistance program at TNRCC have conducted inspections at these facilities as part of compliance assistance. To measure success, approximately 42 facilities have signed up to participate and receive the benefits of SGP.

For compliance monitoring activities, Region 6, with the help from SGP, identified over 1000 facilities within the metal services sector throughout the state of Texas. Region 6 staff sorted the list by several parameters (i.e., SIC codes, as well as facilities with and without EPA ID numbers, with and without discharge to POTW, chrome plating, etc.). This generated different lists that were further identified by tiers. The tier 4 included facilities (approximately 120) that operated within the least regulatory scope (e.g., in rural areas) and thus, received most of the attention. Additionally, we developed several regional maps within the Houston metropolitan area, where most of the tier 4 facilities were located, to ease the inspection process for both EPA and TNRCC. Region 6 met with the TNRCC to coordinate inspections and field work. The TNRCC agreed to adopt the metal services sector as a state priority for FY 01.

During FY 00, Region 6 staff conducted approximately 35 inspections at several of these types of facilities (including tier 4 and other types of tiers). From these inspections Region 6 found non-compliance issues at approximately 10, some of which resulted in enforcement actions. During FY 00 we filed four enforcement actions, including administrative complaints and consent orders.

REGIONAL PRIORITIES

Federal Facilities

Outreach and compliance assistance opportunities for the federal community included environmental training sessions and forums, facility environmental management review, State/Federal pollution prevention partnerships, *Did you know* fact sheets, and issuance of a compliance (inspection and enforcement) status report.

Enforcement activity in the areas of the Clean Air Act and the Safe Drinking Water Act took center stage, along with the ability to resume case work on Underground Storage Tank violations within the federal community.

Problem Oil Pits (POPS)

The POPS Initiative was not active during Fiscal Year (FY) 2000. We are in the process of closing the initiative out, and phasing the project out from the Sector Priorities of FY 01. The Oil Pollution Act program and Fish and Wildlife Service will continue to coordinate and combine resources in order to conduct inspections on future POPS locations. We will provide assistance as needed.

Episodic Releases

Eleven companies were invited to participate in an initiative with Region 6, the Texas Natural Resource Conservation Commission, and the Louisiana Department of Environmental Quality, to reduce episodic releases. These eleven companies account for approximately 50 percent of all releases in the Region. The project is 9 months into the projected 18-24 month life of the project.

The workgroup studied the root causes of the releases to determine the main reasons for the releases. Ten areas were selected for further study, and a planned method to address the selected topics was developed. Four ½ day technical sessions were held in Channelview, TX, on June 22-23, 2000, to address four of the areas identified as causing releases, which are Equipment Reliability, Instrument and Control Systems, Management Systems, and Startup/Shutdown and Flaring. All the companies committed to implementing at least one idea.

The expected results are reductions in emissions, improved response to citizen concerns, and improved capacity building efforts with states in dealing with releases. There has also been a community outreach effort through newspaper articles, industry and government speakers at various events and presentations to local community action panels.

Title V - Operating Permit Enforcement

All five Region 6 states are reviewing Annual Compliance Certifications (ACC). Four of the five states have created an internal database to track the facility name, permit number, receipt of ACC, date of permit issuance, and identify the facility's compliance status. The ACC forms are designed for the source's responsible official to indicate their compliance status and to provide detailed information when the responsible official indicates a deviation from a title V permit

term or condition. The ACCs helps improve air quality by increasing the awareness and responsibility of high level source managers to certify the compliance status of their facility.

Region 6 conducted an administrative review of all ACC. A more thorough review was conducted on over 50 ACCs. These reviews helped target facility wide FY 01 air inspections. Facility wide air inspections and ACC's reviews are used as enforcement tools to assure and improve air quality and compliance.

Region 6 states have over 63 pending actions, processed by way of Notice of Violations and Notice of Potential Penalty. Also, over 57 final actions have been processed by Administrative Penalty Orders and Consent Administrative Orders. The majority of violations range from late/failure to submit Title V permit applications, late/failure to submit monitoring reports and ACC, and for operating without a Title V permit. Also, we have taken action on sources for submitting an untimely certification and for submitting an inaccurate certification. A comparison of the States internal ACC tracking mechanism to the Region 6 system was conducted. The purpose of this exercise was to determine if Title V facilities are submitting timely Title V ACCs to the States as well as Region 6. A thorough review of the Arkansas and New Mexico programs is complete. After coordinating this exercise with the states, Region 6 believes over 95% of the facilities are submitting timely annual compliance certifications to the states and over 90% of the facilities are submitting timely annual compliance certifications to EPA, Region 6. In Arkansas and Louisiana, a survey of 100 ACCs per state was completed. The results of the survey indicate approximately 40 percent of the facilities in Arkansas and approximately 27 percent of the facilities in Louisiana indicated one or more deviations over the annual certification period.

Lake Pontchartrain (Priority Watershed)

The EPA's continuing activities in Lake Pontchartrain is beginning to have a positive impact. It is anticipated that Lincoln Beach, a historic beach used by the minority community in New Orleans, will be re-opened as early as next year. The EPA and the Louisiana Department of Environmental Quality have been initiating enforcement actions, arranging for on-site technical assistance, and conducting inspections over the last 5-10 years, to bring about improvements in water quality. During that time period, we have been involved in legal actions against the cities of New Orleans, Baton Rouge, and Mandeville, Acadiana Treatment Systems, and Kenner. Significant orders have been issued against St. Charles Parish, Independence, Ascension Parish, St Bernard Parish, Kentwood, St. John the Baptist Parish, and Jefferson Parish. Penalties have also been collected from Pontchatoula, Amite and Delatte Metals. Over the past 4 years, there has been over 900 on-site technical assistance visits to small sewage treatment facilities in the Basin. The result is that over 800 million dollars in improvements in sewage treatment has been or will be completed. Over \$1.8 million in fines have been collected, and a \$1.5 million SEP is being completed.

Galveston Bay (Priority Watershed)

The Galveston Bay watershed is a large watershed encompassing several counties extending from the Houston metropolitan area down to the Gulf of Mexico, and has been identified as an

impaired watershed. The latest Section 303(d) list of impaired water bodies identifies both the Lower Galveston Bay and the Upper Galveston Bay as water quality impaired. The Region used data from the 1995 NPDES Multi-Sector general permit applications to determine that scrap metal yards, materials recycling, and auto salvage yards were the industrial activities with the most polluted discharges. A review of these industries identified auto salvage yards as both the least likely to be in compliance, as well as the most likely to be unsophisticated small businesses. The pollutants of concern based on the monitoring data available to EPA from Multi-Sector auto salvage applicants include: oil and grease, ethylene glycol, heavy metals, sulfuric acid, galvanized metals, heavy metals, petroleum hydrocarbons, suspended solids, arsenic, organics, chlorinated solvents, fuel, biochemical oxygen demand, detergents, and phosphorus. Based on having identified many of the same constituents from salvage yards being parameters for which the Galveston Bay watershed was impaired, an auto salvage initiative was developed whereby violators were offered an expedited settlement offer if they agreed to come into compliance expeditiously. Region 6 has identified and permitted under the storm water program a total of 195 auto salvage yards in Houston and Galveston Bay area. Twenty-five of these facilities were permitted in Houston and Galveston Bay for FY 00 (includes new facilities). Ten of these facilities were non-compliant, and were issued administrative penalties totaling \$15,955. We also investigated municipalities in the Galveston Bay for any ongoing sanitary sewer overflow (SSOs) problems. Six major Publicly Owned Treatment Works in the Galveston Bay area were targeted for compliance evaluation inspections to identify any potential SSO problems. None of these inspections resulted in identifying unknown SSO problems.

Consumer Confidence Report (CCR) Strategy

No Region 6 State currently has primacy for the CCR rule, therefore the Region 6 developed and implemented a CCR strategy which would address the significant violators of the CCR rule. In January 2000, we were advised by the states that there were collectively 1180 community water systems in violation of the CCR rule, as they had failed to generate and distribute a copy of the calendar year 1998 CCR report to their customers.

We worked closely with the states to attempt to bring several of the non-compliant systems back into compliance. On March 30, 2000, there were still 974 systems in the Region that were still in violation, accordingly we sent out Notice of Violations (NOVs). Subsequent to the issuance of the NOVs, several systems came back into compliance, however as of May 1, 2000, 382 systems continued to remain non-compliant, therefore an Administrative Order (AO) was generated for those systems. After the issuance of the AOs, many systems came back into compliance, however as of October 1, 2000, there are 94 systems that continue to be non-compliant and Penalty Orders are being prepared.

The Region 6 strategy has resulted in over 99 percent of the citizens in Region 6 receiving a CCR for their respective water system. This means that the citizens are aware of where there water comes from, what contaminants were detected, whether the water is safe for human consumption, and a myriad of other factors. The bottom line, with the CCR in hand, the citizens can make an informed decision as to whether they desire to drink the water from their water system, and this was truly the spirit and intent of one of the major hallmarks of the 1996 Safe Drinking Water Amendments which emphasized the "consumer right to know" provisions.

Calcasieu Enforcement Initiative

Calcasieu Parish communities are concerned over air releases and groundwater contamination from local industry. Some residents have elevated blood dioxin levels. In response, the Louisiana Department of Environmental Quality (LDEQ) and the EPA intensified inspection and enforcement activities to improve compliance with environmental regulations, better understand environmental concerns, and strengthen community access to environmental information. Over the last year, both agencies conducted approximately 20 single and multi-media inspections jointly. The EPA issued seven enforcement actions with penalties totaling in excess of \$3 million. In addition to seeking compliance and penalties for violations, we promoted supplemental environmental projects to benefit the communities impacted by violations. One such project calls for expanded air sampling and public access via the internet to air monitoring data.

The LDEQ, EPA, and the Lake Area Industry Alliance developed a strategy to increase air sampling capabilities in Calcasieu Parish. It calls for five sampling locations for volatile organic compounds and dioxin.

CASE SUMMARIES

REGION 6

Meyer's Bakery, Hope, AR , and Cleburne, TX: A Stipulated Settlement and Order of Dismissal (docket no. 00-4117) with a penalty of \$3.5 million was filed on September 8, 2000, to settlement outstanding claims for violations of the Section 608 of the Clean Air Act, regarding the protection of the stratospheric ozone. This civil judicial settlement, filed in the U.S. District Court in Fort Smith, AR, is the largest settlement in the history of the U.S. EPA's stratospheric ozone protection program. Meyer's is a large commercial bakery that produces bread, muffins and other baked goods for distribution throughout the United States and Canada. The violations occurred at Meyer's facilities in Hope, AR; Arizona City, AZ; Orlando, FL; Wichita, KS; and Cleburne, TX, involving leak repair requirements for industrial refrigeration equipment using hydrochlorofluorocarbons (HCFCs), ozone depleting substances. This agreement sets a new precedent for EPA enforcement of leak repair regulations at industrial facilities.

Shell Chemical Company, Norco, LA: On July 19, 2000, we issued a Consent Agreement and Final Order (CAFO) in settlement of a Complaint filed on September 20, 1999, that included a proposed penalty of \$27,500 (EPA Docket No. CAA-6-99-039-99), for violations of the Clean Air Act and the Louisiana State Implementation Plan. The facility failed to correctly set the counter (FQ948) which resulted in a spill on December 8, 1998, of 148 lbs of hydrochloric acid to flow out through the hatch top of a tank car in violation of the Louisiana Administrative Code: Title 33, Part III, Section 905. The facility agreed to pay a \$6,875 penalty and fund a Supplemental Environmental Project (SEP) in the amount of \$27,796. The SEP provides for the following equipment for the St. Charles Parish Department of Emergency Preparedness: a weather data unit; risk map emergency response software; and an emergency operation center phone system.

Kaiser Aluminum, Gramercy, LA: On July 5, 1999 a violent explosion destroyed a good portion of the Kaiser Plant in Gramercy, LA. The explosion caused the release of sodium hydroxide and asbestos. EPA alleged under the Clean Air Act (CAA), 112(r)(1) General Duty Clause, that Kaiser failed to design and maintain a safe facility and take the steps necessary to prevent the explosion. Kaiser also failed to notify the National Response Center of the explosion in a timely manner, a violation of section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Kaiser was assessed a penalty of \$214, 614 under the CAA and \$27,500 under CERCLA, EPA Docket number MM-6-00-00839, on June 30, 2000. Respondent agreed to a settlement amount of \$195,000 for the CAA issues, and a Supplemental Environmental Project (SEP) to implement management systems including management of change to prevent further accidents. They agreed to a CERCLA settlement of \$5,000 and to a \$18,000 SEP. The Consent Agreement and Final Order was filed on July 10, 2000.

Koch Pipeline Company, L.P.: This civil referral was filed against Koch pipeline for multiple crude oil and processed petroleum product spills (315) in Texas, Oklahoma, Kansas and Louisiana over a five-year period. It was filed under the Clean Water Act as amended by the Oil Pollution Act. The case was settled in December, 1999. The settlement was for a monetary penalty of \$30 million and another \$5 million in Environmental Projects. These penalty amounts were divided evenly between the State of Texas and the United States.

The expected environmental benefits that will accrue from this settlement include improvements to Koch's 2,500 mile pipeline system operation and maintenance, as well as four environmental projects in Texas totaling \$2.5 million; a \$1 million Pipeline Safety Education Project regarding pipelines in Texas, Oklahoma and Kansas, and two Wetlands Projects in Kansas and one Wetlands Project in Oklahoma totaling \$1.5 million.

Ultramar Diamond Shamrock: The Region 6 Underground Storage Tank program issued an administrative penalty order to Ultramar Diamond Shamrock in January 1999 for failure to report and investigate suspected releases and failure to cathodically protect all metal components. A settlement has been reached between Ultramar and EPA in the amount of \$375,666. Ultramar has 60 days from the effective date of the Consent Agreement and Compliance Order to pay the penalty. Also, Ultramar has agreed to comply with an enhanced reporting schedule, reporting to EPA, for one year. This enhanced reporting schedule will allow EPA to monitor the adequacy of Ultramar's release detection practices.

Troutman Oil: On the day before trial, EPA and Troutman Oil settled its Administrative Complaint for an \$80,000 penalty. In 1998 and 1999, Underground Storage Tank program inspections conducted by EPA and the State found Troutman Oil to be in violation of the release detection and the 1998 upgrade requirements at 10 different facilities, and also had a history of noncompliance. Troutman Oil claimed inability to pay the penalty; however, based on EPA's financial experts, Troutman Oil has the ability to pay a substantial penalty.

Westlake Petrochemicals Corp., Sulphur, LA: The U.S. Environmental Protection Agency Region 6 (EPA), in consultation with the Louisiana Department of Environmental Quality (LDEQ), issued a Consent Agreement and Final Order to Westlake Petrochemicals, for violations of federal and state regulations governing air emissions, the storage and handling of hazardous materials, and the use of toxic substances. Federal assessed penalties total \$76,458.

Clean Air Act alleged violations included the facility repeatedly failed to control the smoke from a flare and failed to report the violations, failure to properly label at least five pieces of leaking equipment which contributed to illegal air emissions, and the facility was cited for improperly sampling and testing waste for benzene. Under the Emergency Planning and Community Right to Know Act, the facility had failed to report its use of chlorine dioxide from 1993 through 1997, a chemical which is required be included in the annual Toxic Release Inventory report. The EPA also alleged that the company failed to accurately report its use of pyrolysis oil as required by the Toxic Substances Control Act. Under the Resource Conservation Recovery Act portion of the complaint, the facility is charged with improperly labeling and storing hazardous chemicals including mercury, chloroform and benzene, alleges that the company did not inspect areas where hazardous waste was stored to ensure that it was stored safely and that surrounding

areas were not contaminated, and is charged with failing to train employees in safe handling of these materials and in correct emergency response procedures.

Westlake Petrochemical has agreed to install and operate air monitoring equipment at its fence-line to measure various hazardous constituents for 3 years. The facility will also maintain a web site, as a mechanism to provide data from its air monitoring equipment. In addition, Westlake Petrochemical has agreed to respond to local resident's concerns regarding data from the air monitoring equipment within 24 hours of their request. The estimated cost for implementation of the air monitoring project is \$568,500. Westlake Petrochemical has also agreed to perform a third party compliance audit of its Sulphur facility. This audit will include all applicable State and Federal programs for its facility.